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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/672,523	09/27/2000	Kuriacose Joseph	2050.001US3	2175

44367 7590 12/05/2012  
SCHWEGMAN, LUNDBERG & WOESSNER/OPEN TV  
P.O. BOX 2938  
MINNEAPOLIS, MN 55402-0938

EXAMINER
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GARG, YOGESH C

ART UNIT	PAPER NUMBER
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3625

NOTIFICATION DATE	DELIVERY MODE
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12/05/2012

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspto@slwip.com  
SLW@blackhillsip.com

<b>Examiner-Initiated Interview Summary</b>	<b>Application No.</b> 09/672,523	<b>Applicant(s)</b> JOSEPH ET AL.	
	<b>Examiner</b> YOGESH C. GARG	<b>Art Unit</b> 3625	

All participants (applicant, applicant's representative, PTO personnel):

(1) YOGESH C. GARG. (3)\_\_\_\_\_.

(2) ELENA DRESZER. (4)\_\_\_\_\_.

Date of Interview: 28 November 2012.

Type: ☒ Telephonic ☐ Video Conference  
☐ Personal [copy given to: ☐ applicant ☐ applicant's representative]

Exhibit shown or demonstration conducted: ☐ Yes ☐ No.  
If Yes, brief description: \_\_\_\_\_.

Issues Discussed ☐101 ☐112 ☐102 ☐103 ☐Others  
(For each of the checked box(es) above, please describe below the issue and detailed description of the discussion)

Claim(s) discussed: \_\_\_\_\_.

Identification of prior art discussed: \_\_\_\_\_.

#### Substance of Interview

(For each issue discussed, provide a detailed description and indicate if agreement was reached. Some topics may include: identification or clarification of a reference or a portion thereof, claim interpretation, proposed amendments, arguments of any applied references etc...)

Examiner called Ms. Dreszer to inform her that in order to place the application in condition for allowance following is required. Examiner informed that as a special consideration will hold the applications and would not write an objection/rejection if the requirements are fulfilled at the earliest.

In order to place the Reissue application 09/903457 in condition for allowance following is required:

(1) Reissue declaration filed 9/28/12 does not satisfy Rule 37 CFR 1.175(a). 37 CFR 1.175(a). states that the reissue oath/declaration must state that "All errors being corrected in the reissue application up to the time of filing of the oath or declaration under this paragraph arose without any deceptive intention on the part of the applicant" (emphasis added).

The declaration only states that "the error" recited in the declaration arose without any deceptive intention. Although only one error is recited in the declaration, multiple errors have been corrected via reissue, e.g., each time an amendatory change is submitted, an error to the patent is being corrected. Accordingly, all claims need to be rejected under 35 USC 251, based on a defective declaration.

(2) Also, there are multiple reissue applications filed for the reissue of patent 5819034. However, the required cross-referencing statement has not been provided as an amendment to the specification. There is a cross-referencing coded SPEC.NE dated 4/29/2002. However, it was not entered as the amendment filed 4/29/02 was considered non-compliant, as evidenced by the CTMS dated 4/29/2002. (PTO-90C indicates it was mailed 7/23/2002). Accordingly, the specification needs to be amended to include the proper cross-referencing.. See MPEP 1451 for suggested language.

**Applicant recordation instructions:** It is not necessary for applicant to provide a separate record of the substance of interview.

**Examiner recordation instructions:** Examiners must summarize the substance of any interview of record. A complete and proper recordation of the substance of an interview should include the items listed in MPEP 713.04 for complete and proper recordation including the identification of the general thrust of each argument or issue discussed, a general indication of any other pertinent matters discussed regarding patentability and the general results or outcome of the interview, to include an indication as to whether or not agreement was reached on the issues raised.

☐ Attachment

/YOGESH C GARG/  
Primary Examiner, Art Unit 3625